

BOARD OF APPEALS  
for  
MONTGOMERY COUNTY

Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
(240) 777-6600

**Case No. A-5659**

**PETITION OF MARGARET S. LITTLEFORD**

(Hearing held November 7, 2001)

**OPINION OF THE BOARD**

(Effective date of Opinion, January 25, 2002)

This proceeding is a petition pursuant to Section 59-A-4.11(b) of the Zoning Ordinance (Chap. 59, Mont. Co. Code 1994, as amended) for variances from Section 59-C-1.326(a)(4) and 59-C-1.326(a)(2)(b). The existing accessory structure (shed) requires variances of six (6) feet as it is within three (3) feet of the side lot line and of two (2) feet as it is within three (3) feet of the rear lot line. The required side lot setback is nine (9) feet and the required rear lot line setback is five (5) feet.

The subject property is Lot 35, Block 14, Randolph Hills Subdivision, located at 4714 Oxbow Road, Rockville, Maryland, in the R-60 Zone (Tax Account No. 00074055).

Decision of the Board: Requested variances **denied**.

**EVIDENCE PRESENTED TO THE BOARD**

1. The petitioner is requesting variances for the existing 12 x 32 foot shed.
2. The petitioner testified that the original shed was built in the 1970s and that at that time the shed met the required setbacks. The petitioner testified that the original 12 x 12 foot shed was expanded to its current dimensions in July of 1998.
3. The petitioner testified that the shed is screened by an existing tree and shrubbery as shown in Exhibit Nos. 10(b)-10(h) and that the shed adjoins a similar structure.

**FINDINGS OF THE BOARD**

Based upon the petitioner's binding testimony and the evidence of record, the Board finds that the variances must be denied. The requested variances do not comply with the applicable standards and requirements set forth in Section 59-G-3.1(a) as follows:

- (a) By reason of exceptional narrowness, shallowness, shape, topographical conditions, or other extraordinary situations or conditions peculiar to a specific parcel of property, the strict application of these regulations would result in peculiar or unusual practical difficulties to, or exceptional or undue hardship upon, the owner of such property.*

The Board finds that the petitioner's lot has no peculiar topographical or other unusual conditions. The Board further finds that the petitioner's property is consistent in shape and size to the other lots in the neighborhood as shown on Exhibit No. 7.

Since the petition does not meet the requirements found in Section 59-G-1.3(a), the Board did not consider the other requirements found in that section for granting a variance. Accordingly, the requested variances of six (6) feet from the required nine (9) foot side lot line setback and of two (2) feet from the required five (5) foot rear lot line setback are denied.

The Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland, that the Opinion stated above is adopted as the Resolution required by law as its decision on the above entitled petition.

On a motion by Donna L. Barron, seconded by Louise L. Mayer, with Angelo M. Caputo, Allison Ishihara Fultz and Donald H. Spence, Jr., Chairman, in agreement, the Board adopted the foregoing Resolution.

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Donald H. Spence, Jr.  
Chairman, Montgomery County Board of Appeals

I do hereby certify that the foregoing Opinion was officially entered in the Opinion Book of the County Board of Appeals this 25th day of January, 2002.

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Katherine Freeman  
Executive Secretary to the Board

NOTE:

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date of the Opinion is mailed and entered in the Opinion Book (see Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County in accordance with the Maryland Rules of Procedure.